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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/764,589

01/27/2004

Takaaki Shimada

2038-323

8968

22429

7590

12/19/2007

LOWE HAUPTMAN HAM & BERNER, LLP

1700 DIAGONAL ROAD

SUITE 300

ALEXANDRIA, VA 22314

EXAMINER

HAND, MELANIE JO

ART UNIT

PAPER NUMBER

3761

MAIL DATE

DELIVERY MODE

12/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/764,589

Applicant(s)

SHIMADA ET AL.

Examiner

Melanie J. Hand

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/13/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-6, 11-16 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-6, 11-16, 18-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In view of the appeal brief filed on September 13, 2007, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

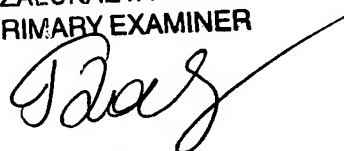
To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER



Tatyana Zaluakeva.

Response to Arguments

Applicant's arguments, see Appeal brief, filed September 13, 2007, with respect to the rejection of claims 1-22 under 35 U.S.C. 102 have been fully considered and are persuasive. The rejection of claims 1-22 under 35 U.S.C. 102 has been withdrawn.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 4-6, 11-16 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okuda et al (JP 2001157690) in view of Hall et al (U.S. Patent Application Publication No. 2004/0006323).

With respect to **claim 4**: Okuda teaches a pants-type disposable wearing article 1, comprising: a liquid-impervious base sheet (comprising sheets 3,5) defining front and rear waist regions opposed to each other and a crotch region D extending in a longitudinal direction of said article between said front and rear waist regions (Fig. 1); a liquid-absorbent panel 4 extending over said crotch region D and further into said front and rear waist regions; said base sheet having, in said front and rear waist regions, a waist-surrounding end zone extending in a transverse direction of said article, a pair of waist lateral zones extending in the longitudinal direction and, in said crotch region D, a pair of crotch lateral zones extending in leg-surrounding directions, respectively; said base sheet being provided with a waist-surrounding first elastic member 22 extending in the transverse direction along said waist-surrounding end zone and being contractible in said transverse direction, a plurality of waist-surrounding second elastic members 21 lying below said first elastic members 22 and being contractible in said transverse direction, and a plurality of leg-surrounding elastic members 61 extending along said crotch lateral zones in the leg-surrounding directions, respectively, and being contractible in said leg-surrounding directions, respectively; said second elastic members 21 being located in said crotch region D and said front and rear waist regions and spaced apart one from another by a predetermined

Art Unit: 3761

interval in said longitudinal direction; and said waist lateral zones being connected together to form a waist-hole and a pair of leg-holes; wherein each of said second elastic members 21 has fixed end portions 10A secured to said waist lateral zones and said crotch lateral zones in vicinities of respective side edges of said lateral zones, and a free middle portion 12A connecting and extending between said fixed end portions 10A across said panel in said transverse direction and being directly secured neither to said base sheet nor to said panel; and said free middle portions 12A of said second elastic members 21 and said leg-surrounding elastic members 61 cross (Figs. 1,2), without intersecting, one another in at least said crotch lateral zones and are not secured together at their crossing points by virtue of the crossing point being located in the free portion region 12A. (§§0005-0007,0009,0011,0014,0015) The fixed end portions 10A of the second elastic members 21 located in said crotch region D are closer to the respective side edges of said crotch lateral zones than said leg-surrounding elastic members. (Figs. 1,2) The second elastic members 21 located in said at least one of said front and rear waist regions are applied in the expanded state and thus have a contracted state in which a dimension of said second elastic members as measured in the transverse direction is substantially the same as a transverse dimension of said panel as measured in the transverse direction between transversely opposite side edges of said panel. (§ 0009) The base sheet comprises a first sheet 3 and a second sheet 5 comprised of two layers (Fig. 5), said first sheet 3 being sandwiched between said panel 4 and said second sheet 5. The panel 4 comprises a liquid-pervious upper layer sheet 2 adapted to face a wearer's skin, and a liquid-absorbent core interposed between said upper layer sheet and said base sheet. (§0005)

Okuda does not teach that said first and second elastic members 22,21, as well as said leg-surrounding elastic members are interposed between said first sheet 3 and said second sheet 5. Hall teaches an elastomeric composite laminate 70 suitable for use as a base sheet in

Art Unit: 3761

the leg opening and waist opening areas. The base sheet taught by Hall comprises a first facing sheet 72 and a second facing sheet 74 wherein elastic strands 64 are interposed between said first and second sheets 72,74, respectively. ('323, Fig. 6, ¶¶ 0054,0057,0065,0066) Hall teaches that the instant elastomeric composite laminate provides reinforcing elastic strands that provide additional improved elastic behavior to absorbent articles, therefore it would be obvious to one of ordinary skill in the art to modify the article of Okuda by including the elastomeric composite of Hall as an additional layer of the base sheet of Okuda in the leg and waist areas to impart improved elastic behavior.

With respect to **claim 5**: The base sheet of the combined teaching of Okuda and Hall has a third sheet (sheet 5 of Okuda laminated to sheet 72 of Hall) interposed between said first sheet 3 of Okuda and the second sheet 74 of Hall when the laminate 70 of Hall is attached as a panel to the outer sheet 5 of Okuda based upon the teachings of Hall regarding incorporation of the laminate into an absorbent article. ('323, ¶¶ 0053,0054) The second elastic members 21 (waist elastics) are interposed between said first and third sheets 3,5 of Okuda, specifically between sheet 3 of Okuda and third sheet 70 of Hall (Fig. 5). The leg-surrounding elastic members 64 taught by Hall are interposed between the pair of sheets (sheets 72 and 5) other than the pair of sheets sandwiching said second elastic members 21. The second elastic members 21 are separated from said leg-surrounding elastic members 64 taught by Hall by said third sheet 72 lying between said second and leg-surrounding elastic members 21, 64, respectively, thereby ensuring that said second elastic members 21 are not secured to said leg-surrounding elastic members 64 at the crossover points of said second and leg-surrounding elastic members 21,64. The motivation to combine the teachings of Okuda and Hall is stated *supra* with respect to claim 4.

With respect to **claim 6**: Article 1 of Okuda further comprises a plurality of welding spots at which the sheets sandwiching said second elastic members 21 are bonded together; wherein said welding spots are formed in vicinities 10A of transversely opposite side edges of said panel, lie between each pair of adjacent free middle portions 12A of said second elastic members 21 and are spaced apart one from another by a predetermined distance in said longitudinal direction. (¶0015)

With respect to **claim 11**: Okuda teaches a pants-type disposable wearing article 1, comprising: a liquid-impervious base sheet defining a front waist region, a rear waist region, and a crotch region extending between the front waist region and the rear waist region in a longitudinal direction of said article, said front and rear waist regions being attached to each other along transversely opposite side edges thereof so as to form a waist-hole and a pair of leg-holes (Fig. 1); a liquid-absorbent panel attached to an inner side of said base sheet; a first elastic member 22 extending along a peripheral edge of said waist-hole; a plurality of second elastic members 21 extending across said liquid-absorbent panel in at least one of said front and rear waist regions and between the transversely opposite side edges of said front and rear waist regions; and a plurality of third elastic members 61 extending along peripheral edges of said leg-holes; wherein each of said second elastic members 21 has opposite end portions 10A located outward beyond transversely opposite side edges of said liquid-absorbent panel and being secured to said base sheet, and a middle portion 12A connecting said opposite end portions, extending between the transversely opposite side edges of said liquid-absorbent panel, and being free of direct attachment to both said base sheet and said liquid-absorbent panel; and wherein the middle portions 12A of said second elastic members 21 cross over said third

Art Unit: 3761

elastic members 61 and are not secured to said third elastic members 61 at crossover points of said second and third elastic members 21,61. (§§0005-0007,0009,0011,0014,0015) The article 1 has a relaxed state in which the middle portions of said second elastic members are allowed to contract to a transverse dimension which, as measured in a transverse direction of said article, is substantially the same as or slightly larger than a transverse dimension of said panel as measured in the transverse direction between the transversely opposite side edges thereof. (§0009) Each of said second elastic members is entirely free of direct attachment to said base sheet except at the opposite end portions. (§§0009,0014,0015) pervious upper layer sheet 2 adapted to face a wearer's skin, and a liquid-absorbent core interposed between said upper layer sheet and said base sheet. (§0005)

Okuda does not teach that said first and second elastic members 22,21, as well as said leg-surrounding elastic members are interposed between said first sheet 3 and said second sheet 5. Hall teaches an elastomeric composite laminate 70 suitable for use as a base sheet in the leg opening and waist opening areas. The base sheet taught by Hall comprises a first facing sheet 72 and a second facing sheet 74 wherein elastic strands 64 are interposed between said first and second sheets 72,74, respectively. ('323, Fig. 6, §§ 0054,0057,0065,0066) Hall teaches that the instant elastomeric composite laminate provides reinforcing elastic strands that provide additional improved elastic behavior to absorbent articles, therefore it would be obvious to one of ordinary skill in the art to modify the article of Okuda by including the elastomeric composite of Hall as an additional layer of the base sheet of Okuda in the leg and waist areas to impart improved elastic behavior. The base sheet of the combined teaching of Okuda and Hall has a third sheet (sheet 72 of the laminate 70 taught by Hall) interposed between said first sheet 3 and the second sheet 5 of Okuda. This concept is illustrated in the diagram below and based upon the teachings of both Okuda and Hall. The second elastic members 21 (waist elastics) are

Art Unit: 3761

interposed between said first and third sheets 3,5 of Okuda, specifically between sheet 3 of Okuda and third sheet 70 of Hall (Fig. 5). The leg-surrounding elastic members 64 taught by Hall are interposed between the pair of sheets (sheets 72 and 5) other than the pair of sheets sandwiching said second elastic members 21. The second elastic members 21 are separated from said leg-surrounding elastic members 64 taught by Hall by said third sheet 72 lying between said second and leg-surrounding elastic members 21, 64, respectively, thereby ensuring that said second elastic members 21 are not secured to said leg-surrounding elastic members 64 at the crossover points of said second and leg-surrounding elastic members 21,64.

With respect to **claim 12**: The base sheet further comprises bonding spots joining said first and second sheets in regions located between the middle portions 12A of adjacent said second elastic members 21, said bonding spots limiting displacement of the middle portions of said second elastic members in the longitudinal direction of said article without affecting contraction of said middle portions in a transverse direction of said article. (¶¶0014,0015)

Okuda does not teach that said second elastic members 21 are disposed between said second sheet 3 and said third sheet, and thus does not teach bonds between said second and third sheets. However, such positioning of said second elastics between the layers of the base sheet is well known in the art, thus it would be obvious to one of ordinary skill in the art to modify the device of Okuda so as to position the second elastics between the second and third sheets with a reasonable expectation of success, since the device of Okuda seeks to solve a similar problem in the art, i.e. providing an absorbent article with elastics for proper fit.

With respect to **claim 13**: Okuda teaches a pants-type disposable wearing article 1, comprising: a liquid-impervious base sheet defining a front waist region, a rear waist region, and a crotch

region extending between the front waist region and the rear waist region in a longitudinal direction of said article, said front and rear waist regions being attached to each other along transversely opposite side edges thereof so as to form a waist-hole and a pair of leg-holes (Fig. 1); a liquid-absorbent panel attached to an inner side of said base sheet; a first elastic member 22 extending along a peripheral edge of said waist-hole; a plurality of second elastic members 21 extending across said liquid-absorbent panel in at least one of said front and rear waist regions and between the transversely opposite side edges of said front and rear waist regions; and a plurality of third elastic members 61 extending along peripheral edges of said leg-holes; wherein each of said second elastic members 21 has opposite end portions 10A located outward beyond transversely opposite side edges of said liquid-absorbent panel and being secured to said base sheet, and a middle portion 12A connecting said opposite end portions, extending between the transversely opposite side edges of said liquid-absorbent panel, and being free of direct attachment to both said base sheet and said liquid-absorbent panel.

(¶¶0005-0007,0009,0011,0014,0015) The base sheet comprises first and second sheets, said first sheet is disposed between said liquid-absorbent panel and said second sheet, and said second elastic members 21 are disposed between said first and second sheets (Fig. 5); said base sheet further comprising bonding spots joining said first and second sheets in regions located between the middle portions of adjacent said second elastic members, said bonding spots limiting displacement of the middle portions of said second elastic members in the longitudinal direction of said article without affecting contraction of said middle portions in a transverse direction of said article. (¶¶0014,0015)

Okuda does not teach that the middle portions 12A of said second elastic members 21 cross over said third elastic members 61 and are not secured to said third elastic members 61 at crossover points of said second and third elastic members 21,61. Hall teaches an elastomeric

composite laminate 70 suitable for use as a base sheet in the leg opening and waist opening areas. The base sheet taught by Hall comprises a first facing sheet 72 and a second facing sheet 74 wherein elastic strands 64 are interposed between said first and second sheets 72,74, respectively. ('323, Fig. 6, ¶¶ 0054,0057,0065,0066) Hall teaches that the instant elastomeric composite laminate provides reinforcing elastic strands that provide additional improved elastic behavior to absorbent articles, therefore it would be obvious to one of ordinary skill in the art to modify the article of Okuda by including the elastomeric composite of Hall as an additional layer of the base sheet of Okuda in the leg and waist areas to impart improved elastic behavior. The base sheet of the combined teaching of Okuda and Hall has a third sheet (sheet 72 of the laminate 70 taught by Hall) interposed between said first sheet 3 and the second sheet 5 of Okuda. This concept is illustrated in the diagram below and based upon the teachings of both Okuda and Hall. The second elastic members 21 (waist elastics) are interposed between said first and third sheets 3,5 of Okuda, specifically between sheet 3 of Okuda and third sheet 70 of Hall (Fig. 5). The leg-surrounding elastic members 64 taught by Hall are interposed between the pair of sheets (sheets 72 and 5) other than the pair of sheets sandwiching said second elastic members 21. The second elastic members 21 are separated from said leg-surrounding elastic members 64 taught by Hall by said third sheet 72 lying between said second and leg-surrounding elastic members 21, 64, respectively, thereby ensuring that said second elastic members 21 are not secured to said leg-surrounding elastic members 64 at the crossover points of said second and leg-surrounding elastic members 21,64.

With respect to **claim 14**: Some of said bonding spots are arranged along said transversely opposite side edges of said panel and between entire said panel on the one hand and the end portions of said second elastic members on the other hand. (Fig. 1) (¶¶ 0014,0015)

With respect to **claim 15**: The base sheet of the combined teaching of Okuda and Hall, in an entire region 12A underlying said panel, is free of said bonding spots because any bonding spots created by the attachment of laminate 70 taught by Hall to the base sheet of Okuda would not alter the previously existing arrangement of bonding spots taught by Okuda that meet the claim limitations. (¶¶ 0014,0015)

With respect to **claim 16**: The bonding spots of Okuda are presented between every pair of adjacent said second elastic members 21 so as to prevent said adjacent second elastic members from forming a bundle with each other. (¶¶ 0014,0015)

With respect to **claim 18**: Okuda teaches a pants-type disposable wearing article 1, comprising: a liquid-impervious base sheet defining a front waist region, a rear waist region, and a crotch region extending between the front waist region and the rear waist region in a longitudinal direction of said article, said front and rear waist regions being attached to each other along transversely opposite side edges thereof so as to form a waist-hole and a pair of leg-holes (Fig. 1); a liquid-absorbent panel attached to an inner side of said base sheet; a first elastic member 22 extending along a peripheral edge of said waist-hole; a plurality of second elastic members 21 extending across said liquid-absorbent panel in at least one of said front and rear waist regions and between the transversely opposite side edges of said front and rear waist regions; and a plurality of third elastic members 61 extending along peripheral edges of said leg-holes; wherein each of said second elastic members 21 has opposite end portions 10A located outward beyond transversely opposite side edges of said liquid-absorbent panel and being secured to said base sheet, and a middle portion 12A connecting said opposite end portions,

Art Unit: 3761

extending between the transversely opposite side edges of said liquid-absorbent panel, and being free of direct attachment to both said base sheet and said liquid-absorbent panel.

(¶¶0005-0007,0009,0011,0014,0015) The base sheet comprises first and second sheets, said first sheet is disposed between said liquid-absorbent panel and said second sheet, and said second elastic members 21 are disposed between said first and second sheets (Fig. 5); said base sheet further comprising bonding spots joining said first and second sheets in regions located between the middle portions of adjacent said second elastic members, said bonding spots limiting displacement of the middle portions of said second elastic members in the longitudinal direction of said article without affecting contraction of said middle portions in a transverse direction of said article. (¶¶0014,0015) The base sheet of Okuda comprises first and second sheets, namely sheet 3 and the outer layer of sheet 5, and said second and third elastic members 21,61, respectively, are disposed between said first and second sheets; said base sheet further comprising a plurality of adhesive zones bonding said first and second sheets and end portions of said third elastic members 61 together; each of said adhesive zones being disposed, in the longitudinal direction, between the middle portions 12A of one pair of adjacent said second elastic members 21, and, in a transverse direction of said article, between entire said panel on the one hand and one of the end portions 10A of each of said second elastic members 21 in said pair on the other hand. (¶¶ 0015,0022)

Okuda does not teach that the middle portions 12A of said second elastic members 21 cross over said third elastic members 61 and are not secured to said third elastic members 61 at crossover points of said second and third elastic members 21,61. Hall teaches an elastomeric composite laminate 70 suitable for use as a base sheet in the leg opening and waist opening areas. The base sheet taught by Hall comprises a first facing sheet 72 and a second facing sheet 74 wherein elastic strands 64 are interposed between said first and second sheets 72,74,

Art Unit: 3761

respectively. ('323, Fig. 6, ¶¶ 0054,0057,0065,0066) Hall teaches that the instant elastomeric composite laminate provides reinforcing elastic strands that provide additional improved elastic behavior to absorbent articles, therefore it would be obvious to one of ordinary skill in the art to modify the article of Okuda by including the elastomeric composite of Hall as an additional layer of the base sheet of Okuda in the leg and waist areas to impart improved elastic behavior. The base sheet of the combined teaching of Okuda and Hall has a third sheet (sheet 72 of the laminate 70 taught by Hall) interposed between said first sheet 3 and the second sheet 5 of Okuda. This concept is illustrated in the diagram below and based upon the teachings of both Okuda and Hall. The second elastic members 21 (waist elastics) are interposed between said first and third sheets 3,5 of Okuda, specifically between sheet 3 of Okuda and third sheet 70 of Hall (Fig. 5). The leg-surrounding elastic members 64 taught by Hall are interposed between the pair of sheets (sheets 72 and 5) other than the pair of sheets sandwiching said second elastic members 21. The second elastic members 21 are separated from said leg-surrounding elastic members 64 taught by Hall by said third sheet 72 lying between said second and leg-surrounding elastic members 21, 64, respectively, thereby ensuring that said second elastic members 21 are not secured to said leg-surrounding elastic members 64 at the crossover points of said second and leg-surrounding elastic members 21,64.

With respect to **claim 19**: Each of said adhesive zones is spaced in the longitudinal direction of said article from the middle portions 12A of the adjacent second elastic members 21 between which said adhesive zone is disposed. (¶¶ 0015,0022)

With respect to **claim 20**: Each of said adhesive zones is elongated in the transverse direction of said article, and spaced in said transverse direction from the end portions 10A of the adjacent second elastic members 21 between which said adhesive zone is disposed. (§ 0015,0022)

With respect to **claim 21**: Article 1 of Okuda further comprises a plurality of further adhesive zones different from the adhesive zones that bond said first and second sheets and the end portions of said third elastic members 61 together, said further adhesive zones bonding the end portions 10A of the second elastic members to the base sheet; wherein each of said adhesive zones is spaced in said transverse direction from the further adhesive zones at the end portions of the adjacent second elastic members 21, between which said adhesive zone is disposed. ('690, §0015,0022)

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okuda et al (JP 2001157690-English translation) in view of Hall et al (U.S. Patent Application Publication No. 2004/0006323) as applied to claims 4-6, 11-16 and 18-21 above, and further in view of Pozniak et al (U.S. Patent No. 6,045,543).

With respect to **claim 22**: The third sheet of the combined teaching of Okuda and Hall, disposed between said second elastic member 21 and said second sheet, is secured to said second sheet.

The combined teaching of Okuda and Hall does not teach a third sheet that carries printed indicia in a region corresponding to the middle portions of said second elastic members. Pozniak teaches an absorbent article having printed indicia that extend transversely across the front waist region of said article that, when combined with the article of Okuda, would

Art Unit: 3761

correspond to the middle portions 12A taught by Okuda. Pozniak teaches that these indicia serve as a guide for proper fastening and fit of the diaper, therefore it would be obvious to one of ordinary skill in the art to modify the article of the combined teaching of Okuda and Hall such that said third sheet carries printed indicia as taught by Pozniak to ensure proper fastening and fit of the article.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie J. Hand whose telephone number is 571-272-6464. The examiner can normally be reached on Mon-Thurs 8:00-5:30, alternate Fridays 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Melanie J Hand
Examiner
Art Unit 3761

December 6, 2007

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER



Application/Control Number: 10/764,589

Art Unit: 3761

Page 16